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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Richard R. Day,

10 Petitioner,

11 v.

12 Charles L. Ryan, et al.,

13 Respondents.
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No. CV-13-00952-PHX-GMS

ORDER

15 Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus and
16 United States Magistrate Judge James F. Metcalf's Report and Recommendation
17 ("R&R"). Docs. 1, 27. The R&R recommends that the Court dismiss the Petition with
18 prejudice. Doc. 27 at 18. The Magistrate Judge advised the parties that they had fourteen
19 days to file objections to the R&R and that failure to file timely objections could be
20 considered a waiver of the right to obtain review of the R&R. *Id.* at 18-19 (citing 28
21 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114,
22 1121 (9th Cir. 2003)).

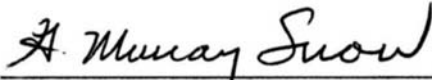
23 The parties did not file objections, which relieves the Court of its obligation to
24 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
25 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
26 not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must
27 determine de novo any part of the magistrate judge's disposition that has been properly
28 objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-

1 taken. The Court will accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1)
2 (stating that the district court “may accept, reject, or modify, in whole or in part, the
3 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
4 district judge may accept, reject, or modify the recommended disposition; receive further
5 evidence; or return the matter to the magistrate judge with instructions.”).

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Metcalf’s R&R (Doc. 27) is **accepted**.
8 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **dismissed with**
9 **prejudice**.
10 3. The Clerk of Court shall **terminate** this action.
11 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the
12 event Petitioner files an appeal, the Court declines to issue a certificate of appealability
13 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
14 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

15 Dated this 17th day of March, 2014.

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18 _____
19 G. Murray Snow
20 United States District Judge
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